

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANGELICA GARCIA,

CASE NO. 5:12-cv-06491 EJD

Plaintiff(s),

v.

FORTIS CAPITAL IV, LLC, et. al.,

**ORDER DENYING DEFENDANTS'
REQUEST FOR ORDER FINDING THAT
SUMMARY JUDGMENT ORDER IS
FINAL; DENYING PLAINTIFF'S
MOTION FOR LEAVE TO FILE MOTION
FOR RECONSIDERATION**

Defendant(s).

[Docket Item No(s). 132, 136]

Presently before the court are two matters: (1) Defendants' request for an order finding that the summary judgment order is final, and (2) Plaintiff's motion for leave to file a motion for reconsideration of the same summary judgment order. See Docket Item Nos. 132, 136. As to these matters, the court rules as follows:

1. Because a partial summary judgment is not considered a final order (see St. Paul Fire & Marine Ins. Co. v. F.H., 55 F.3d 1420, 1425 (9th Cir. 1995)), Defendants' request is DENIED. That said, however, the court clarifies that the jury in this action will not be asked to determine liability or damages for a claim of negligent hiring or negligent training and supervision. Nor will the issue of punitive damages be submitted to the jury.
2. Plaintiff's motion for leave to file a motion for reconsideration is DENIED.

IT IS SO ORDERED.

Dated: May 12, 2014


EDWARD J. DAVILA
United States District Judge